

REMARKS

Claims 1-18 and 21-24 are pending in the application. Claim 12 has been cancelled by this amendment. Therefore, claims 1-11, 13-18, and 21-24 are at issue. Claim 1 has been amended to incorporate the features of originally-filed and now cancelled claim 12. Original claim 12 serves as support for this amendment.

Claims 1-18 and 21-24 stand rejected under 35 U.S.C. §103 as being obvious over WO 01/56625 (WO '625) in view of Aberson et al. U.S. Patent No. 4,186,165 ('165) based on the contention that it would have been obvious to utilize a temperature and pressure disclosed in the '165 present in the process of WO '625, and thereby arrive at the presently claimed invention.

In particular, the examiner contends that the similarities between (a) a combination of WO '625 and the '165 patent and (b) the present claims are sufficient to support a 35 U.S.C. §103 rejection, and that the burden is now on the applicant to demonstrate nonobvious differences between the presently claimed superabsorbent material and WO '625. It is submitted that applicants have shown nonobvious differences between the present claims and the cited art, in substantial detail, in the specification.

The U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness under 35 USC §103 is determined by: (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of non-obviousness.

Furthermore, to establish a *prima facie* case of obviousness, the examiner must satisfy three requirements. First, as the U.S. Supreme Court very recently held in *KSR International Co. v. Teleflex Inc. et al.*, 127 S.Ct. 1727 (2007), "a court must ask whether the improvement is more than the *predictable* use of prior art elements according to their established functions. ...it [may] be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in

the art, all in order to determine whether there was *an apparent reason* to combine the known elements in the fashion claimed by the patent at issue. ...it can be important to *identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements* in the way the claimed new invention does... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." (emphasis added, *KSR, supra*). Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991). Lastly, the prior art references must teach or suggest all the limitations of the claims. In *re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970).

In summary, to establish a *prima facie* casing obvious, the examiner must consider *each* of (a) predictability, (b) an apparent reason to combine the known elements as claimed, (c) a reasonable expectation of success, *and* (d) a teaching of all claimed elements.

The examiner also is reminded of a May 3, 2007 memorandum from the Deputy Commissioner for Patent Operations, which stated at page 2 (emphasis in original):

"(4) The Court noted that the analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit, and that it was "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. The Court specifically stated:

Often, it will be necessary...to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit**.

KSR, slip op. at 14 (emphasis added).

Therefore, in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the

reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed."

WO '625 discloses the preparation of absorbent materials by spraying a blend containing superabsorbent polymer (SAP) particles, superabsorbing forming monomer, an initiator, and water on a fibrous web, then subjecting the web to polymerization conditions. As stated by the examiner, WO '625 fails to teach a pressing temperature of not less than 60°C or a pressure greater than 5.5 bar.

In particular, WO '625 teaches some of the technical features of the instant invention, but not the claimed conditions of heating *and* pressing the superabsorbent material. WO '625 teaches "*in situ* polymerization" of a monomer solution sprayed on a pre-formed, non-woven web (that has SAP particles applied thereto) to produce an SAP-containing non-woven web. WO '625 generally discloses compressing the SAP-containing web at page 26, lines 31-41. This disclosure contains *no* temperature and *no* pressure used in a compression step.

The sole specific disclosure in WO '625 uses pressing at 50°C and 5.5 bar to prepare a sample for measuring the FSEV value (page 31, lines 35-43). The FSEV is a standard test used in the art to estimate expansion of a disposable hygienic fabric (WO '625, page 26, lines 4-29). WO '625 provides no apparent reason or incentive to modify the temperature and pressure of a standard test procedure with any reasonable expectation of successfully improving the dimensional stability and absorbent properties of an SAP-containing web, as discussed hereafter. In the light of the WO '625 specification the disclosed testing conditions can only be understood as typical conditions in testing an SAP-containing web.

The '165 patent teaches producing a superabsorbent fabric material by pressing a mixture of wood pulp fluff and grafted superabsorbent. There is no polymerization step disclosed in the '165 patent process. A specified temperature differential is applied to generate dense layers of the fabric. In short, the '165 patent teaches an alternative superabsorbent-containing fabric. WO '625 identifies the process of the '165 patent as a method of bonding a fibrous web by mechanical entanglement (WO '625, page 17, lines 25-35).

A reading of WO '625 shows that a person skilled in the art would first have had to produce a web of the '165 patent using a web comprised of synthetic fibers rather than wood pulp fluff – *then* apply a monomer mixture and conduct an *in situ* polymerization as set forth in WO '625. If mechanical entanglement is conducted using a of particulate superabsorbent as in the '165 patent process, the SAP particles quite obviously are simply mechanically entrapped in the web. WO '165 overcomes the problem of the '165 patent by an *in situ* polymerization of monomer to bond the SAP particles to the web. Accordingly, the '165 patent merely teaches adding an SAP to a web via entanglement. The '165 reference provides no teaching or suggestion that pressing and heating can improve dimensional stability and absorption properties.

The examiner contends that it would have been obvious to utilize the process conditions of the '165 patent to prepare an SAP-containing web of WO '625. However, the combination of cited references provides no apparent reason for a person skilled in the art to make this jump in reasoning. The examiner apparently is relying solely upon a hindsight reasoning that the claimed combination is obvious because the two cited references are both in the field of superabsorbent polymers and each discloses one recited feature of the claims.

WO '625 provides no apparent reason or incentive to utilize the conditions of the '165 patent in the preparation of an SAP containing web. At most, the '165 patent discloses a preparation of the web based on mechanical entanglement that *then* is subjected to the *in situ* polymerization of WO '625. In addition, applicants recognized that WO '625 fails to disclose the presently claimed process conditions, and applicants also compared the inventive SAP-containing webs to the materials of WO '625, discussed more fully hereafter.

The Supreme Court recently identified a number of rationales that may be used to support a conclusion of obviousness, consistent with the framework set forth in its decision in *Graham v. John Deere Co.* See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739-40 (2007). These and other representative rationales are described at MPEP §2143 (8th Ed., Rev. 6, Sept. 2007). Regardless of the supporting rationale the Patent Office must clearly articulate facts and reasons why the claimed invention "as a whole" would have been obvious to a person at ordinary skill in the art at least as of the claimed invention's effective filing date. See *KSR Int'l*, 127 S.Ct at 1741 (citing with approval *In re Kahn*, 441 F.3d 977,

988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."); see also MPEP §2143 ("The key to supporting any rejection under 35 USC §103 is the clear articulation of reason(s) why the claimed invention would have been obvious.").

To reach a proper determination under 35 U.S.C. §103(a), the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to the person. Knowledge of applicants' disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search, and evaluate the claimed "subject matter as a whole". The tendency to resort to "hindsight" based upon applicants' disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the *facts* gleaned from the prior art. MPEP §2142.

The rationale relied upon by the examiner apparently is as follows:

"A. Combining Prior Art Elements According to Known Methods To Yield Predictable Results

To reject a claim based on this rationale, Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:

(1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;

(2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;

(3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

(4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

The rationale to support a conclusion that the claim would have been obvious is that the substitution of one known element for another would have yielded *predictable results* to one of ordinary skill in the art at the time of the invention. *If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.*" (*Fed. Reg.*, Vol. 72, No. 195, page 57529 (October 10, 2007, emphasis added).

The present specification provides a description of WO '625 stating:

"Compression by the action of pressure to produce "ultrathin" hygiene articles is described in WO 01/56625. However, the material is subjected to a pressure of about 5.5 bar (fabric area: 0.056 m²; 7.000 pounds load) and a temperature of 50°C. for a period of 48 seconds. This achieves a compression from originally 4.5 mm to 0.67 mm. These experimental conditions were reproduced and two differences and disadvantages compared with the present invention were ascertained:

- a) the material is not dimensionally stable, ie it expands to as much as 1.5 mm over 2 weeks and to as much as 2.4 mm over 8 weeks.
- b) the method described in the present invention makes it possible to produce significantly thinner, yet very flexible materials than the material described in WO 01/56625." (specification, page 2, lines 3-13).

The present invention therefore is an improvement over the SAP-containing web of WO '625. WO '625 fails to provide an incentive to apply heat and pressure as claimed, and thereby arrive at the presently claimed invention, which demonstrates new and unexpected benefits over the SAP-containing web of WO '625.

The '165 patent does not overcome the deficiencies of WO '625. WO '625 is directed to preparing a material having SAP particles covalently bonded to the fiber by an *in situ* polymerization of SAP-forming monomers on the fiber. The '165 patent is directed to a fabric based on mechanical entanglement. A person skilled in the art would have had no apparent reason to utilize a process for preparing a different type of fabric (e.g., '165 patent) than in the process of WO '625, which is directed to an SAP bonded on the web.

In addition, there is no reason from WO '625 to modify the temperature and pressure of the process. WO '625 merely teaches preparing a web at 50°C and 5.5 bar for purposes of *testing* the web. The application of pressure in an optional step (see WO '625, page 26, lines 31-41) in the preparation of the web. WO '625 fails to teach heating, except at 50°C. Persons skilled in the art actually could consider altering the temperature and pressure disclosed in WO '625 as damaging to the web, and *would not* have predicted that applying the claimed temperature and pressure would actually provide an improved SAP-containing web.

The unexpected and unpredicted results achieved by the present invention are fully set forth in the specification. First, the examiner is directed to page 2, lines 3-13, of the specification stating:

“Compression by the action of pressure to produce “ultrathin” hygiene articles is described in WO 01/56625. However, the material is subjected to a pressure of about 5.5 bar (fabric area: 0.056m²; 7.000 [sic] pounds load) and a temperature of 50°C for a period of 48 seconds. This achieves a compression from originally 4.5 mm to 0.67 mm. These experimental conditions were reproduced and two differences and disadvantages compared with the present invention were ascertained:

- a) the material is not dimensionally stable, ie it expands to as much as 1.5 mm over 2 weeks and to as much as 2.4 mm over 8 weeks.
- b) The method described in the present invention makes it possible to produce significantly thinner, yet very flexible materials than the material described in WO 01/56625.”

This excerpt from the specification identifies two disadvantages associated with the absorbent web of WO '625, i.e., a lack of dimensional instability and thicker, more inflexible absorbent webs than desired for “ultrathin” hygiene articles, e.g., articles used by incontinent adults that must be as thin as possible for wear in public.

Second, the examiner is directed to page 9, line 4 through page 11, Table B of the specification comparing presently claimed absorbent materials to materials produced according to WO '625. The data for FSEV and EVUL values at page 10 of the specification show that these values are unexpectedly high for the presently claimed absorbent webs compared to a web prepared in accordance with WO '625, i.e., 50°C, 5.5 bar, 48 seconds. (see specification, page 9, lines 32-33).

In particular, as stated at page 10, lines 2-5 of the specification with respect to FSEV values:

“The data show that the FSEV values of the material according to the present invention (with the exception of 80 bar/150°C) are distinctly higher than those of the compressed material described in WO 01/56625 after just 30-60 seconds. The data also show that the final value is almost reached after about 300 seconds.”; and

with respect to EVUL values at page 10, lines 13-16 of the specification:

“The samples produced according to the present invention are faster than the comparative sample in water takeup under pressure of 0.5 psi. Only the sample produced at 80°C/150 bar gives the same value after 10 seconds, but here too all other measured results are better than with the comparative sample.”

The comparative sample referred to was prepared in accordance with WO ‘625, i.e., 5 bar, 48 seconds, and 50°C (see specification, page 9, lines 32-33).

The patent specification, at page 9, lines 6-17, provides additional evidence of the unexpected results provided by a presently claimed absorbent material over an absorbent material of WO ‘625, stating:

“The compressed material is dimensionally stable; that is, *the material expands insignificantly, if at all, even in the course of prolonged storage at room temperature and relative humidities of preferably less than 60%.* This dimensional stability was found with all samples which were compressed at a temperature of more than 60°C and a pressure of more than 5 bar. In the case of the comparative material produced according to WO 01/56625, in contrast, an expansion of the material took place under the abovementioned conditions:

Sample [mm]	Thickness directly after compression [mm]	Thickness after 60 days
1	0.8	2.4
2	0.7	1.8
3	0.7	1.9
4	0.8	2.3”

The above data also shows that the materials of WO '625 do not inherently possess properties that render the present claims obvious, as contended by the examiner. It also should be noted that WO '625 teaches a specific compression at page 31, lines 33-43, wherein applying 5.5 bar pressure at 50°C for 48 seconds compressed an SAP-containing web from 4.5 to "approximately 0.67 mm". Accordingly this further shows that, in the above tests, applicants utilized the pressing conditions utilized by WO '625 at page 31, lines 33-43.

The present invention also exhibits improved absorption properties over uncompressed webs and the SAP-containing webs of WO '625, i.e., see specification, page 7, line 28 through page 8, line 16. The data clearly shows that compressing in accordance with the present claims improves retention and teabags values, which means that the presently claimed SAP-containing web can absorb more liquid than webs of WO '625.

In the Office Action, the examiner questions the unexpected results demonstrated by the present invention and the basis of these unexpected results. With respect to amended claim 1, which now recites the features of original claim 12, the examiner's following contention at page 5 of the Office Action cannot be maintained:

"As to claims [sic] 12, Whitmore does not teach dimensional stability, however WO '625 teaches that "certain web materials are subjected to compression at one or more times during the construction" and further teaches that "after the web material has been compressed, there is tendency for the fibers to relax, and expand somewhat thereby increasing the thickness of the web. However, this relaxation phenomenon is much less pronounced in articles prepared in accordance with the present invention which tend to remain stably in a compact state until subjected to an insult of fluid" (page 26, lines 31-41). When the reference discloses all the limitations of a claim except a property or function, and the examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention the examiner has basis for shifting the burden of proof to applicant as in *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980). See MPEP § § 2112-2112.02"

The SAP containing web of WO '625 does *not* inherently possess the properties exhibited by the present invention, as demonstrated by the unexpected dimensional stability set forth in the specification and above. Furthermore, WO '625 does *not* disclose all limitations of the claims because the reference lacks a teaching of the claimed temperature *and* pressure. The '165

patent also fails to teach dimensional stability, and nevertheless is directed to an entirely different type of web material.

With respect to the examiner's comments regarding claims 13-16, the examiner merely refers to webs disclosed in WO '625 that are untreated and treated. The "treated" webs referred to by the examiner are Examples 7-10 of WO '625. Applicant fails to see where the "treated" webs are equated to "pressed and heated". Rather, "treated" means having a polymer added to fiber by *in situ* polymerization (i.e., see WO '625, table, page 34, untreated has "0" weight of polymer). All treated webs have a specified amount of SAP applied thereto. Both treated and untreated webs of WO '625 were tested for FSEV and EVUL as set forth in WO '625 at page 31, lines 33 through page 32, line 4. Therefore, WO '625 is comparing fibers *free* of SAP (untreated) to fibers having SAP (treated). The examiner is incorrect in the comparison described in the Office Action.

Furthermore, the present specification compares a presently claimed SAP-containing web to webs of WO '625 having SAP applied thereto. Applicants have shown unexpected results achieved by an increased temperature and modified pressure over WO '625 (see specification, page 9, line 19 through page 10, line 16).

With respect to the expansion values of claims 6-8, the examiner's attention is directed to the data at page 8, lines 4 and 13, and in the Expansion Factors at pages 12-19, of the specification, wherein the inventive webs show a substantial expansion factor of 11.2 to 32.5 in the z-direction and samples prepared according to WO '625 did *not* expand in the z direction, i.e., expansion factor of 1.1 to 4.6 (see Comparative Examples 1-6 at pages 14-19). The SAP-containing webs of WO '625 therefore do not inherently exhibit the features recited in the claims. To the contrary, a presently claimed SAP-containing web demonstrates unexpected benefits over WO '625.

With respect to claim 9, WO '625 may arguably disclose a web density of 0.005 to about 0.12 gm/cm, but claim 9 recites a density of "not less than 0.5 g/ccm to 1.2 g/ccm. The claimed density therefore is from 4 to 240 *times* more dense than the web of WO '625.

At page 7 of the Office Action the examiner states:

"However, this relaxation phenomenon is much less pronounced in articles prepared in accordance with the present invention which tend to remain stably in a compact state until subjected to an insult of fluid" (page 26, lines 31-41). In the following paragraph, WO'625, states that each of these factors are easily controlled and maybe optimized to achieve the desired performance (page 27, lines 19-22). With respect to Applicant's arguments, the rationale to modify the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law."

However, at page 26, line 31-41, WO '625 teaches that even compressed webs have a "tendency for the fibers to relax, and expand somewhat thereby increasing the thickness of the web" (see lines 36-38). Although WO '625 reduces the relaxing phenomenon, the reference fails to teach a reduction in the amount of relaxation as presently claimed (and as set forth in the specification and evidenced with objective, comparative data), and very importantly fails to teach or suggest *how* to overcome this tendency of fiber relaxing. Further, with respect to page 27, lines 19-22, WO '625 is not referring to compression as a factor that can be optimized. The factors referred to are those that effect strikethrough and rewet, i.e., SAP concentration, degree of crosslinking, uniformity of SAP distribution, particle size distribution, and particle hydrophobicity (WO '625, page 27, lines 13-23). Such factors are not related to the pressure and temperature utilized to manufacture the SAP-containing web.

In the Office Action, at pages 7 and 8, the examiner's contends it is not clear that the Comparative Examples were made by the process of WO '625. To the contrary, the specification is replete with references to the Comparative Examples being made by the process of WO '625. The process disclosed in WO '625 is a standard pressing step used in a standard text. Accordingly, the pressure/temperature conditions of WO '625 are *not* varied, and are disclosed in WO '625 and the present specification. For example, see specification, page 2, lines 3-13; page 7, lines 11-22; page 8, line 33 through page 9, line 2; and page 9, lines 4-17 (note "insignificant, if at all" expansion for a presently claimed web). Importantly, note page 9, lines 31-34 *defining* a comparative web made in accordance with WO '625. Also

see page 14, lines 36 and 37; page 15, line 15 and 16; page 18, lines 32 and 33; and page 19, lines 11.

The present specification therefore clearly describes the preparation of comparative webs that were tested, and clearly demonstrates the unexpected results over those comparative webs, i.e., comparative SAP-containing webs prepared at 50°C, 5.5 bar, and 48 seconds.

The examiner's statements at paragraph 4 spanning pages 8 and 9 of the Office Action are incorrect. Time is not a factor in the present invention. The FSEV and EVUL data referred to by the examiner show the amount of liquid *absorbed over time*. The time (48 seconds) is merely to standardize the test for comparative purposes. The time in the tables at page 10 of the specification do not correlate to the time the web is subjected to the claimed time and pressure.

The present webs are used, for example, in incontinence products and diapers. Initially, the article has to be as thin as possible for discreetness, and also remain as thin as possible even if stored for long times prior to use. Upon use, typically in an adult incontinence product, the article needs to absorb as much urine as possible, but not necessarily in zero time or immediately. Even if an inventive web should not absorb urine faster than a web of WO '625 at some initial or intermediate period of use, the inventive webs are still thinner and absorb more urine over time. In short, the time disclosed in the tables of page 10 of the specification simply is not a process variable.

With respect to claim 21, the examiner baldly states that WO '625 teaches "50°C which is about 60°C" and 5.5 bar "which can be about 3 bar". Nowhere in the WO '625 disclosure is it taught or suggested that the temperature can be increased by 20%, or the pressure reduced by close to 50%. The references provide no incentive or apparent reason for a person skilled in the art to raise the temperature to "about 60°C" (or higher) *and* utilize a pressure of "about 3 bar" (or greater), which is a higher temperature and lower pressure disclosed in WO '625.

Accordingly, in view of the data provided in the specification, it is submitted that an SAP-containing web prepared as claimed possesses nonobvious differences over the web disclosed in WO '625. In addition to the nonobvious differences between the presently claimed absorbent materials and WO '625 that are fully and clearly set forth in the specification, by objective data WO '625 provides no apparent reason for a person skilled in the art to press at a temperature of not less than 60°C. WO '625, alone or taken with the '165 patent, provides no hint or suggestion, let alone any incentive, for a person skilled in the art to consider increasing the pressing temperature with any reasonable expectation of providing the unexpectedly improved results demonstrated by the presently claimed absorbent webs.

WO '625 utilizes a pressing temperature of 50°C in conformance with a standard test in the art that provides guidance on how a superabsorbent material will behave in a diaper after an infant has sat in a wetted diaper, then stood up. WO '625 therefore has not remotely addressed or considered whether a change in pressing temperature and pressure would have an effect on absorption properties. The '165 patent is directed to an entirely different type of web.

In summary, for all the reasons set forth above, it is submitted that claims 1-11, 13-18 and 21-24 would not have been obvious over a combination of WO '625 and the '165 patent under 35 U.S.C. §103, and that the rejection should be withdrawn. An SAP-containing web prepared in accordance with the present claims differs from WO '625 as demonstrated by the substantial improvements, for example in dimensional stability and absorption properties, demonstrated by the present SAP-containing webs.

Claims 22-24 stand rejected as being obvious over WO '625 in view of Soerens et al. U.S. Patent No. 7,115,321 ('321). Applicants traverse this rejection.

The patentability of claims 22-24 over a combination of WO '625 and the '165 patent has been discussed above. The '321 patent fails to overcome the deficiencies of WO '625 and the '165 patent. The '321 patent is directed to an absorbent binding coating. However, the '321 patent fails to teach or suggest that a compressed material prepared according to claim 1 can be used as the absorbent binding coating. See the Example of the

'321 patent at columns 16 and 17. The '321 patent also does not address the dimensional stability overcome by the presently claimed absorbent material.

It is submitted that, in view of the novelty and nonobviousness of the absorbent material of claim 1, uses of the novel and nonobvious material also are novel and nonobvious. Accordingly, it is submitted that the rejection of claims 22-24 over a combination of WO '625, the '165 patent, and the '321 patent is in error and should be withdrawn.

It is submitted that present claims are in a form and scope for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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